

| STOP & SEARCH POLICY AND PROCEDURE | | | |
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| Author: | Human Resources | | |
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| For use by: | All employees of Burgess Farms Ltd and its subsidiary Companies, any third party acting upon its behalf, a non-exhaustive list of which includes permanent, fixed term and temporary staff, consultants, contractors and agency staff. | | |
| Purpose: | This policy forms an element of security protocols and aims to protect parties from theft of the Company's property or property belonging to another and the possession or supply of illegal/prohibited substances or items | | |
| This document supports: <i>Standards and legislation</i> | Equality Act 2010 Contract of Employment | | |
| Key related documents: | Employee Handbook Statement of Terms and Conditions of Employment Disciplinary Policy and Procedure Equal Opportunities Policy and Procedure | | |
| Review date: | As required | | |



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Definitions

“**Company**” means Burgess Farms

“**Subsidiary Companies**” means all Companies owned by Burgess Farms

1. Policy Statement

We reserve the right under this policy to exercise a stop and search of any employee or worker at any time. Searches are carried out at random as determined from the manager. A search is not an indication that any employee or worker is under any suspicion of wrongdoing. If we reasonably believe an employee has committed an act in contravention of Company rules, the right to stop and search is reserved.

This policy is not contractual but aims to set out how we normally deal with such issues.

The purpose of this policy is to outline:

- The Company’s policy in relation to stopping and searching employees
- The manner in which searches will be carried out
- The implications of an employee refusing to comply with a search request
- Disciplinary action following a positive search

Other security arrangements implemented by the Company which are not related to stop and search are not covered by this policy and are detailed elsewhere.

2. Scope

This policy and procedure applies to all employees employed by Burgess Farms and its subsidiary companies.

3. Company Policy on Stop and Search

Burgess Farms Ltd reserves the right to undertake searches of employees within its premises. This is to protect both the Company and its staff from illegal activities such as theft of Company property or property belonging to another member of staff or other person; and the possession or supply of any substances which might be in breach of Company policy in relation to alcohol and/or drugs.

Employees are advised that a search does not indicate that they are under any suspicion of wrongdoing and searches may be carried out randomly. However, the Company reserves the right to stop and search an employee when it reasonably suspects that they have committed an illegal act or an act in breach of company policy.

Burgess Farms Ltd reserves the right to carry out searches, including:

- a physical search of the employee where they will be asked to remove their jacket and empty all their pockets

- a search of all baggage (both personal and Company property)
- a search of any vehicle on the Company's property (both personal and owned by the Company)
- a search of all work areas (including but not limited to desks, lockers and cabinets, locked or otherwise). This may also include search of any electronic devices such as laptop or phone owned by the Company in compliance with the appropriate Company policy.

The Company will ensure that the level of search is fair and reasonable, taking into account all of the circumstances giving rise to it.

If the Company suspects that a non-employee such as a contractor or visitor has committed an illegal act such as theft of Company property, no search will be attempted or carried out. Under these circumstances the police will be informed immediately, and any evidence gathered handed to them.

4. The Manner and Location of Stop and Search Activity

Only authorised officers of the Company will undertake searches on behalf of the Company. This is to ensure:

- that the employee's dignity is protected
- selection of employees is not discriminatory

Searches may occur at random when employees enter or leave the building and/or in circumstances where the Company reasonably suspects that an employee has committed an unlawful act or act in breach of Company policy. If a search is undertaken on a random selection of employees, a demonstrably fair selection process will be used.

A physical search will be carried out in a private room, by an authorised officer of the same sex and in the presence of another authorised officer. Employees have the right to request that a physical search is attended only by people of the same sex.

Searches of baggage, vehicles and work areas will be carried out by an authorised officer in the presence of the employee in question and another authorised officer.

Employees have the right to request that another independent witness is present if required.

5. Refusal to Comply with the Stop and Search Policy

If an employee refuses to undergo a search, the employee will be asked to reconsider their refusal. If the employee maintains their refusal to undergo a search, the individual's manager or another senior manager will be called. They will consider the employees stated reasons for the refusal and, if these are deemed reasonable, no further action will be taken against the employee.

The incident including the reasons for the employee's refusal to be searched will be recorded in the employee's personnel file.

If an employee unreasonably refuses to undergo a search (including if they subsequently refuse to stay on the Company premises when requested to do so), they will be suspended, and the Company will undertake a full and fair investigation. This may lead to disciplinary action in line with the Company's disciplinary policy, which could result in dismissal for gross misconduct where appropriate.

If the Company believes that there is evidence that an employee has committed an illegal act, this will be reported immediately to the police.

6. Disciplinary Action Following a Positive Search

If a search reveals evidence that an employee has committed an illegal/prohibited act, such as theft or the possession of an illegal/prohibited substance, they will be given the opportunity to explain the situation before the decision to suspend is made. However, the Company reserves the right to suspend any employee on full pay and undertake a full investigation. This may lead to disciplinary action in line with the Company's disciplinary policy, resulting in dismissal for gross misconduct where appropriate.

If the Company reasonably believes that there is evidence that an employee has committed an illegal act, this will be reported immediately to the police.

If an employee is unhappy about the way in which a search has been conducted or thinks they have been discriminated against or otherwise treated unfairly they can raise this in the first instance with their line manager. If an employee prefers to raise a formal complaint, they should refer to the Company's Grievance Procedure.

7. Data Protection and Confidentiality

When processing information in connection with any investigation or subsequent disciplinary action, the Company will process any personal data in accordance with its Data Protection Policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of this data will constitute a data breach and should be reported immediately to the Company's Data Protection Officer or a Manager of the Company.

All employees must treat as confidential any information communicated to them in connection with a stop and search or subsequent investigation. Any data breach or breach of confidentiality may also lead to an investigation and potential sanctions under the Company's Disciplinary